

INFORMATION DISCLOSURE CITATION				Docket Number 99-029-C1		Serial Number Not Yet Assigned	
				Applicants WALKER et al.			
				Filing Date August 18, 2003		Group Art Unit Not Yet Assigned	

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIAT E
	A	4,554,446	11/19/85	Murphy et al.	235	487	
	B	4,723,212	02/02/88	Mindrum et al.	364	401	
	C	4,876,592	10/24/89	Von Kohorn	358	84	
	D	4,910,672	03/20/90	Off et al.	364	405	
	E	5,056,019	10/08/91	Schultz et al.	364	405	
	F	5,173,851	12/22/92	Off et al.	364	401	
	G	5,202,826	04/13/93	McCarthy	364	405	
	H	5,256,863	10/26/93	Ferguson et al.	235	383	
	I	5,321,243	06/14/94	Groves et al.	235	449	
	J	5,331,544	07/19/94	Lu et al.	364	401	

FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	Translation	
							Yes	No
	K	WO 96/05699	02/22/96	PCT				
	L	WO 97/44749	11/27/97	PCT				
	M	WO 98/57285	12/17/98	PCT				

OTHER DOCUMENTS <i>(Including author, Title, Date, Pertinent Pages, Etc.)</i>		
	N	Farnsworth, Allan E., "Your Loss or My Gain? The Dilemma of the Disgorgement Principle in Breach of Contract", Yale Law Journal, May 1985.

EXAMINER	DATE CONSIDERED:
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
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	O	5,434,394	07/18/95	Roach et al.	235	375	
	P	5,459,306	10/17/95	Stein et al.	235	383	
	Q	5,621,812	04/15/97	Deaton et al.	382	100	
	R	5,664,115	09/02/97	Fraser	705	37	
	S	5,717,989	02/10/98	Tozzoli et al.	705	37	
	T	5,758,328	05/26/98	Giovannoli	705	26	
	U	5,758,329	05/26/98	Wojcik et al.	705	28	
	V	5,774,868	06/30/98	Cragun et al.	705	10	
	W	5,781,632	07/14/98	Odom	380	24	
	X	5,794,207	08/11/98	Walker et al.	705	23	
	Y	5,799,289	08/25/98	Fukushima et al.	705	400	

FOREIGN PATENT DOCUMENTS							
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	Translation
							Yes No

OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)		
	Z	Mount, Charles, "Suits Say Airlines Overcharge For Cancellations", Chicago Tribune, December 31, 1985, Section: Chicagoland, pg. 11.

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	AA	5,808,894	09/15/98	Wiens et al.	364	479.01	
	BB	5,857,175	01/05/99	Day et al.	705	14	
	CC	5,895,454	04/20/99	Harrington	705	26	
	DD	5,970,470	10/19/99	Walker et al.	705	14	
	EE	5,970,475	10/19/99	Barnes et al.	705	27	
	FF	6,078,906	06/20/00	Huberman	705	37	
	GG	6,088,683	07/11/00	Jalili	705	26	
	HH	US 6,233,564 B1	05/15/01	Schulze, Jr.	705	14	
	II	5,025,372	06/18/01	Burton et al.	364	406	
	JJ	US 6,415,262 B1	07/02/02	Walker et al.	705	14	

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	Translation	
							Yes	No

OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)

	KK	Yenckel, James T., "The impact on air fares; The bargains began.", The Washington Post, February 10, 1991, Section: Sunday Travel; pg. E1, Fearless Traveler.
	LL	Leibson, Beth, "Buying Contracts Deliver the Goods, and Hefty Discounts Too", Facilities Design Management, April 1991, Vol. 10, No. 4, pp. 54-57, ISSN: 0279-4438.

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	MM	Williams, Dana, "CA-MANMAN/X: Purchase Contracts", Computer Associates International, Inc., January 1992.	
	NN	Glaser, Martha, "Buying Groups: What Have You Done For Me Lately?", Drug Topics, June 8, 1992, Vol. 136, No. 11, pp. 48-51, CODEN: DRTOAJ, ISSN: 0012-6616.	
	OO	Card Trak, "Gee What a Month", CardTrak Online, September 1992.	
	PP	Caulk, Steve, "Airline Industry Surrenders to Heavy Corporate Discounts", Rocky Mountain News, May 15, 1993, Section: Business, pg. 58A.	
	QQ	"Cellular wrong signals", Newsday, July 22, 1993, pg. 39, ISSN: 0278-5587.	
	RR	Samuelson, Richard, A., "Accounting for liabilities to perform services", Accounting Horizons, September 1993, Vol. 7, No. 3, pp. 32-45, ISSN: 0888-7993.	
	SS	Tinnelly, Bettyann, "The Custom switch isn't a rare choice anymore – Benefits outweigh added costs, makers say", Electronic Buyers' News, March 28, 1994, Section: Switches & Relays.	
	TT	Smith, Lionel D., "Disgorgement of the profits of breach of contract: Property, contract and 'efficient breach'", The Canadian Business Law Journal, September 1994, Vol. 24, Iss. 1, pg. 121, ISSN: 0319-3322.	
	UU	Love, Barbara, "Folio: Plus", Folio: The Magazine for Magazine Management, November 15, 1995, Vol. 24, No. 20, pp. 9-10, ISSN: 0046-4333.	
	VV	"Independent Petroleum Association of America, et al. Appellants v. Bruce Babbitt, et al. Appellees", United States Court of Appeals for the District Court of Columbia Circuit, Argued April 16, 1996, Decided August 27, 1997, No. 95-5210, Consolidated with No. 95-5245.	
	WW	Shanklin, Mary, "How to Avoid Buyer Blues; Expert Advice on What Not to Do if You're in the Market for a House", The Orlando Sentinel, June 23, 1996, Section: Homes, pg. J1.	
	XX	Robin, Michael, "Staking a Claim in the Digital Frontier", Micro Times, (http // www microtimes com/165/digitalfrontier html), Copyright 1997.	
	YY	"Subscription Agreement for ICB Toll Free News Online Edition ("ICB")", Copyright 1997, IBC Inc.	
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	ZZ	"Purchase Connection Announces New Committed Volume Buying Program", PR Newswire, February 19, 1998, pg. 219.	
	AAA	"US Patent for Buyer-driven E-Commerce System is Issued to Priceline.com", Web Vantage Technology Guide for the Emerging Internet, (http://www.web-vantage.com/wv/980811n3.cfm), August 11, 1998.	
	BBB	Wettler, Mark A., "Evaluating Document Delivery Services.", Database, October 1, 1998, Section: No. 5, Vol. 21, pg. 73, ISSN: 0162-4105.	
	CCC	Website: "Atmel Corporation – Terms and Conditions of Purchase and Sale", (http://www.atmel.com/atmel/copyright.html), download date: March 22, 1999.	
	DDD	Website: "Auction Terms & Conditions – Collectit.net", (http://www.collectit.net/info/auctiontc.html), download date: March 22, 1999.	
	EEE	Buchanan, Leigh, "A Business Model of One's Own", Inc. Magazine, November 1998, pg. 82, (http://www.inc.com/incmagazine/archives/11980821.htm).	
	FFF	Website: "What is priceline.com? Where you name the price!", (http://www.priceline.com/PriceLineASPHomePage/html/company.htm), download date: March 22, 1999.	
	GGG	"Toll Free Industry News and Information...00 Numbers, Domain Names and Trademarks: <u>Login</u> ", ICB Toll Free.Com, (wysiwyg //12/ http://icbtollfree.com/Login.cfm?NextURL=order.cfm), download date: February 8, 2001.	
	HHH	"Toll Free Industry News and Information...00 Numbers, Domain Names and Trademarks: <u>Save your Login Information</u> ", ICB Toll Free.Com, (wysiwyg //21/ http://icbtollfree.com/InfoSavePass.cfm), download date: February 8, 2001.	
	III	"Toll Free Industry News and Information...00 Numbers, Domain Names and Trademarks: <u>Welcome to ICB Toll Free News</u> ", ICB Toll Free.Com, (wysiwyg //16/ http://icbtollfree.com/reg.cfm?NextURL=Inde.), download date: February 8, 2001.	
	JJJ	Definition of "Subscription", Merriam-Webster Collegiate Dictionary, (http://www.search.eb.com/dictionary), May 8, 2003.	
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OTHER DOCUMENTS <i>(Including author, Title, Date, Pertinent Pages, Etc.)</i>			
	KKK	Copy of Office Action, U.S. Patent Application Serial No. 09/349,860, Examiner Donald Champagne, date mailed: May 13, 2003.	
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: WALKER et al.

Serial No.: Not Yet Assigned

Filing Date: August 18, 2003

For: METHOD AND APPARATUS FOR
IDENTIFYING POTENTIAL BUYERS

) Examiner: Not Yet Assigned
)
) Group Art Unit: Not Yet Assigned
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) Attorney Docket No: 99-029-C1
)
) **Customer No.: 22927**
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express mail in an envelope with sufficient postage and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: 08/18/03 By:


Michael D. Brinton

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a thorough search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Nor

shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on the accompanying Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items listed on the enclosed copy of Form PTO-1449 and to independently ascertain their teaching.

1. ☐ Applicants respectfully direct the Examiner's attention to the pending U.S. patent applications listed on the enclosed Form PTO-1449. The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application. Applicants would be pleased to provide the Examiner with a copy of these applications upon request.
2. ☐ For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a European Search Report from a counterpart European application is enclosed. Such items are marked as reference letter(s): _____.
3. ☐ For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Such items are marked as reference letter(s): _____.
4. ☒ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:

☒ 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.

[] 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491.

[] 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.

5. [] No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. 1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.
6. [] A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c) after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action). The fee due under 37 C.F.R. §1.17(p) is to be paid as set forth in paragraph 10 below.
7. [] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in accordance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a Notice of Allowance, but before the payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and
 - b. this document is to be considered as a petition requesting consideration of the information disclosure statement.
 - c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 10 below.

8. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:

☐ 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition to Withdraw Application from Issue;

☐ 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition to Withdraw Application from Issue.

9. ☐ I hereby certify:

☐ that each item of information contained in the items listed on the enclosed copy of Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. A copy of such communication is enclosed.

☐ that no item of information contained or listed on the enclosed copy of Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

10. ☐ Please accept payment of the fees due as indicated below:

☐ A check in the amount of \$180.00 is enclosed in payment of the fee due under 37 C.F.R. 1.17(p).

☐ The Commissioner is hereby authorized to charge \$180.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(p).

11. ☒ In addition to the citations listed on the enclosed PTO Form-1449, applicants respectfully direct the Examiner's attention to the following U.S. patent applications, which are commonly assigned to the assignee of the instant application, and which may be deemed pertinent to the instant application:

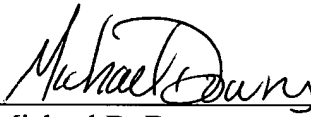
<u>Serial No.</u>	<u>Inventors</u>	<u>Filing Date</u>	<u>Group Art Unit</u>	<u>Examiner's Init.</u>
09/049,297	Walker et al.	03/27/98	2761	
09/223,903	Walker et al.	12/31/98	2761	

The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application. These applications have not been listed on the accompanying Form PTO-1449 in order to preserve their secrecy during the course of their prosecution.

12. [X] The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271. A copy of this authorization is attached.
13. [] No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed concurrently with a Request for Continued Examination.

Respectfully submitted,

August 18, 2003
Date


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